

IN RE: PETITION FOR ZONING VARIANCE * REFORM THE
NW/8 Osborne Ave., 216.9 ft. * ZONING COMMISSIONER
NW Summit Avenue * OF BALTIMORE COUNTY
108 Osborne Avenue * Case No. 92-91-A
1st Election District
1st Councilmanic District
John A. Didier, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (carport) in the side yard in lieu of the required rear yard, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners/property owners, John A. and Alberta F. Didier, appeared, testified and were represented by Joseph F. Matricciani, Esquire. Appearing in opposition to the Petition was the immediate next door neighbor, Ron Brunt, who resides at 106 Osborne Avenue.

The Petitioners testified that Mrs. Didier suffers from fibrositis which results in significant neck and arm pain. As a result of her condition, the Petitioners seek to install a carport on the property. This will prevent ice and snow from accumulating on the car which is difficult for Mrs. Didier to remove because of her condition. Further, because of the location of the existing driveway, which ends at the building line and does not extend into the back yard, the proposed location for the carport is the only practical area where same may be placed. The Petitioners also acknowledge the existence of a garage in the rear of the property. However, it is claimed that the garage cannot be used for storage in that it is

undersized and her vehicle cannot fit in same. Also, because of the location of the garage in the rear of the property and Mrs. Didier's condition, it would be difficult for her to back her car the extra 65 ft. from the garage to the street.

Appearing in opposition to the Petition was Mr. Brunt, the next door neighbor. He noted that this is an older community and the houses feature a similar architectural style. The proposed aluminum carport would be entirely out of character with the neighborhood, in his opinion. He also indicated that there was ample on-street parking available and that there were no other carports in the community. He opined that, if Mrs. Didier suffered from significant physical limitations which impaired her ability to back the car from the driveway, she should not be operating a motor vehicle.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App.

28 (1974).

In reviewing the evidence, there is insufficient evidence to allow a finding that the Petitioners would experience practical difficulty or unreasonable hardship if the requested variance was denied. The testimony presented by the Petitioners were in support of a matter of a preference rather than of the necessity for the variance. The Petitioners have failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. Therefore, the variance requested must be denied. Further, although the Zoning Commissioner cannot mandate his aesthetic preferences in evaluating the requested variance, it is clear that the proposed carport is out of character with this established neighborhood. Thus, it is clear that this proposal is not in harmony with the spirit and intent of the regulations and would adversely affect the general welfare of the locale.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of April, 1991 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (carport) in the side yard in lieu of the required rear yard, in accordance with Petitioners' Exhibit No. 1, is hereby DENIED.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mnn

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

November 12, 1991

Joseph S. Matricciani, Esquire
11306 Reisterstown Road
Owings Mills, Maryland 21117

RE: Petition for Zoning Variance
John A. Didier, et ux, Petitioners
Case No. 92-91-A

Dear Mr. Matricciani:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been denied, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mnn

att.

cc: Peoples Counsel
cc: Mr. and Mrs. John A. Didier
cc: Mr. Ron Brunt

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

92-91-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section

400.1 To allow an accessory structure in the side yard in lieu of the required rear yard.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason (indicate hardship or practical difficulty)

1. Proposed carport to be erected over existing driveway
2. Carport needed because property co-owner cannot clean car of snow, ice, or tree droppings (Heinrich condition) Needs car for work - husband travels

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

John A. Didier

(Type or Print Name)

Signature

Alberta F. Didier

(Type or Print Name)

Signature

Address

108 Osborne Avenue 758-7497

Address

Baltimore, MD 21205

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

John A. Didier

Name

758-7497

Address

ORDERED by the Zoning Commissioner of Baltimore County, this 23 day of April, 1991, that the subject matter of this petition be posted on the property on or before the 8 day of April, 1991.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this day of April, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reposted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 105, County Office Building in Towson, Baltimore County, on the day of April, 1991, at o'clock, a.m.



ZONING COMMISSIONER OF BALTIMORE COUNTY

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/are presently reside at 108 Osborne Avenue

Signature: John A. Didier, 758-7497

(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

1. Proposed carport to be erected over existing driveway

2. Carport needed because property co-owner cannot clean car of snow, ice, or tree droppings (Heinrich condition) Needs car for work - husband travels

3. Carport needed because property co-owner cannot clean car of snow, ice, or tree droppings (Heinrich condition) Needs car for work - husband travels

4. Carport needed because property co-owner cannot clean car of snow, ice, or tree droppings (Heinrich condition) Needs car for work - husband travels

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NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning and Development Management Office of Planning & Zoning, will hold a public hearing on the property described herein in Room 116, Baltimore County Courthouse, 400 Westinghouse Avenue, Towson, Maryland 21204 as follows:
Case Number: 92-91-A
111 West Chesapeake Avenue, 216.9' x 111' Summit Avenue, 108 Osborne Avenue, 1st Election District, 1st Councilmanic District.
John A. Didier, et ux
Hearing Date: Tuesday, Nov. 6, 1991 at 9:00 a.m.
Petitioner(s):
LAWRENCE E. SCHMIDT, Zoning Commissioner of Baltimore County
CA/10070 October 10.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 11/11, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/11, 1991

THE JEFFERSONIAN,

S. Zeke Orlan
Publisher

\$ 53.07



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date

Account: R-001-6150
Number

92-91
111 West Chesapeake Avenue
Towson, Maryland 21204
\$50.00
04404800781CHRC
EA 00201454H08-03-91
Please Make Checks Payable To: Baltimore County

Cashier Validation



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date

Account: R-001-6150
Number

9/23/91
M9200178
AMEND. TO DEV. FEES
650 -PRUC FEE-CHALL/REQUEST
FOR SPECIAL HEARING 1 X \$35.00
TOTAL: \$35.00
LAST NAME OF OWNER: DIDIER

Please Make Checks Payable To: Baltimore County

Cashier Validation



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date

Account: R-001-6150
Number

92-91
111 West Chesapeake Avenue
Towson, Maryland 21204
\$35.00
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Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date

Account: R-001-6150
Number

92-91
111 West Chesapeake Avenue
Towson, Maryland 21204
\$78.07
04404800781CHRC
EA 00201454H08-03-91
Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

September 25, 1991

John and Alberta Didier
108 Osborne Avenue
Baltimore, Maryland 21228

Re: CASE NUMBER: 92-91-A
108 Osborne Avenue

Dear Petitioners:

A formal REQUEST FOR PUBLIC HEARING has been filed in your case.

As you recall, this matter must now go through the regular hearing process; the property must be reposted and notice of the hearing will be placed in two local newspapers. You will be billed for these advertising costs.

Formal notification of the hearing date will be forwarded to you shortly.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner
Baltimore County, Maryland

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

October 29, 1991

Mr. & Mrs. John A. Didier
108 Osborne Avenue
Baltimore, MD 21228

RE: Item No. 97, Case No. 92-91-A
Petitioner: John A. Didier, et ux
Petition for Residential Variance

Dear Mr. & Mrs. Didier:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Zoning Plans Advisory Committee Comments
Date:
Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Very truly yours,

James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 23rd day of August, 1991.

Arnold Jaslan
DIRECTOR

Received By:
James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: John A. Didier, et ux
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: September 13, 1991

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: HELBING Property, Item No. 53
Smith Property, Item No. 64
McClure Property, Item No. 65
Boehnlein Property, Item No. 66
Marx Property, Item No. 68
Buie Property, Item No. 69
Pulaski Property, Item No. 70
Wollschlager Property, Item No. 72
Bray Property, Item No. 74
Graves Property, Item No. 75
Sylvia Property, Item No. 76
Long Property, Item No. 78
Pearl Property, Item No. 79
Casey Property, Item No. 80
Edwards Property, Item No. 81
Tyson Property, Item No. 85
Skidmore Property, Item No. 88
Williams Property, Item No. 89
Restivo Property, Item No. 90
Didier Property, Item No. 97
Wesolowski Property, Item No. 102
Griffin Property, Item No. 103
Burgwin Property, Item No. 104
Ghent Property, Item No. 110
Lings Property, Item No. 111
Bates Property, Item No. 112
Bond Property, Item No. 115

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/rdn

ITEM47/TXTRO2

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: October 9, 1991

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: September 3, 1991

This office has no comments for item numbers 54, 82, 85, 88, 89, 90, 91, 93, 94, 96 and 97.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/lvd

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(301) 887-4500

SEPTEMBER 16, 1991

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: JOHN A. DIDIER
Location: #108 OSBORNE AVENUE
Item No.: 97 Zoning Agenda: SEPTEMBER 3, 1991

Comments:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWED: *[Signature]* Noted and
Planning Group Approved: *[Signature]*
Special Inspection Division Fire Prevention Bureau

JK/EE

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

DATE: September 24, 1991

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for September 3, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for items 55, 56, 54, 82, 85, 88, 89, 90, 93, 94, 96, 97, 98, and 99.

For item 84, see the County Review Group comments for the St. Lukes Apartment site.

For item 91, the previous County Review Group and Public Works Agreement comments remain in effect.

For item 92, the previous County Review Group comments remain in effect.

For item 95, see the County Review Group comments for this site.

For item 101, comments are reserved for this site until the County Review Group meeting.

Robert W. Bowling
ROBERT W. BOWLING, P.E. CHIEF
Developers Engineering Division

RWB:s

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
October 7, 1991

TO: ZONING COMMISSIONER, DEPARTMENT ZONING

FROM: RICHARD F. SEIM, PLANS REVIEW CHIEF,
DEPARTMENT OF PERMITS & LICENSES

SUBJECT: ZONING ITEM #: 97
PROPERTY OWNER: John A. Didier, et ux

LOCATION: NE 1/3 Osborne Avenue, 216.9' NW Summit Avenue
(#108 Osborne Avenue)
ELECTION DISTRICT: 1st
COUNCILMANIC DISTRICT: 1st

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

- () PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.02.02, MARYLAND BUILDING CODE FOR THE HANDICAPPED.
- () PARKING LOCATION () RAMPS (degree slope)
- () NUMBER PARKING SPACES () CURB CUTS
- () BUILDING ACCESS () SIGNAGE
- () PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.
- () A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.
- () A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.
- () STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 517.0 COUNCIL BILL #192-90 (BALTIMORE COUNTY BUILDING CODE).
- () OTHER - Carports maybe constructed of combustible materials up to 4 inches from a property line if facing surfaces are protected by a layer of drywall, fire retardant treated plywood or other approved (see back - continued) PERMITS MAY BE APPLIED FOR 8 ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN. A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

APPLICABLE CODE: 1990 NATIONAL BUILDING CODES AS ADOPTED BY COUNTY COUNCIL BILL #192-90 EFFECTIVE 1/13/91

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21201

August 27, 1991

John & Alberta Didier
108 Osborne Avenue
Baltimore, Maryland 21228

RE: CASE NUMBER: 92-91-A
LOCATION: 108 Osborne Avenue

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before September 8, 1991. The last date (closing date) on which a neighbor may file a formal request for hearing is September 23, 1991. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reposting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your Order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

Deanna Stephens
Deanna G. Stephens
Docket Clerk

108 Osborne Avenue
Catonsville, MD 21228
December 20, 1991

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, MD 21204

Dear Sirs:

Although it is several days past the deadline for filing for an appeal in my request for a zoning variance -- Case # 92-91-A, I have been encouraged by Ms. Kathleen Weidenhammer to submit the request.

Had Mr. Jablon (or Mr. Hayden) responded to my letter (copy enclosed) they could have informed me (as Ms. Weidenhammer did when I was finally referred to her) that I should file for an appeal pending any information from those to whom copies of my concerns were addressed. However, without this important information and being unfamiliar with government and zoning procedures, I decided to wait for some response to my letter. I did receive a reply from Ms. Lisa Williams of the Governor's Commission for Individuals with Disabilities who referred me to Mr. Chad Casserly of the Baltimore County Commission for Individuals with Disabilities. By the time I contacted Mr. Casserly and he was able to inform me that I would, indeed, need to file for an appeal, the deadline had passed.

I am enclosing copies of all of the information that was sent to Mr. Jablon et. al. I urge you to submit this request and the accompanying materials to the Board of Appeals on my behalf. I plead with the Board of Appeals to consider the importance of this request based on the information provided. I am enclosing a check in the amount of \$125 to cover the filing fee.

I look forward to hearing from you in the very near future.

RECEIVED
DEC 23 1991

Enc.

ZONING OFFICE

Sincerely
Alberta Didier
Alberta Didier

108 Osborne Avenue
Catonsville, MD 21228
December 16, 1991

Baltimore County Commission
on Disabilities
Attn: Mr. Chad Casserly
1 Investment Place
Suite 800
Towson, MD 21204

Dear Mr. Casserly:

I have been referred to you by Ms. Lisa Williams of the Governor's Office for Individuals with Disabilities. The enclosed information should explain why I am seeking your assistance. However, if you need additional information or wish to talk to me personally about this matter, I can be reached at 788-7497 or 455-4382.

I look forward to hearing from you in the very near future.

Sincerely
Alberta Didier
Alberta Didier

Enc.

108 Osborne Ave.
Catonsville, MD 21228
January 21, 1992

Baltimore County Government
Office of Zoning Administration
and Development Management
Attn: Mr. William Hackett, Chairman
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Hackett:

I am writing to inform you that I wish to withdraw my request for an appeal on my zoning variance --# 91-92-A. I do not have the money to continue to pursue this matter and hope that you will return all or part of the \$150 which I have submitted.

Sincerely

Alberta Didier
Alberta Didier

02-11-92 12:17:25

STATE OF MARYLAND
EXECUTIVE DEPARTMENT
WILLIAM DONALD SCHAEFER
GOV. MDOR
OFFICE FOR INDIVIDUALS WITH DISABILITIES
ONE MARKET CENTER
300 WEST LEVINGTON STREET, SUITE 101
BALTIMORE, MARYLAND 21201-1405
VOICE: (410) 333-1098
FAX: (410) 333-1074
DIANE K. EBBERTS, DIRECTOR

December 9, 1991

Ms. Alberta Didier
108 Osborne Avenue
Catonsville, MD 21228

Dear Ms. Didier:

This letter is in follow-up to our recent telephone conversation regarding your efforts to secure a zoning variance to build a carport on the side of your house. We did receive a copy of your correspondence to Mr. Arnold Jablon, Director, Zoning Administration and Development Management.

If I remember correctly, I suggested you contact the Baltimore County Commission on Disabilities to further pursue your goal. Chad Casserly is the administrator. I hope Mr. Casserly or his office was of assistance.

If I may assist you further, please feel free to call me on 333-3098.

Sincerely,

Lisa B. Williams
Lisa B. Williams
Executive Assistant

108 Osborne Ave.
Catonsville, MD 21228
November 26, 1991

Mr. Arnold Jablon, Director
Zoning Administration and Development Management
111 West Chesapeake Ave.
Towson, MD 21204

Dear Mr. Jablon:

As a handicapped person in Baltimore County, I feel that I am being discriminated against because my handicap happens to be a hidden one. I am trying to remain employed instead of retiring on SSDI and my employer has been very cooperative.

My problem, however, stems from the fact that I am unable to remove snow and ice from my vehicle as is necessary in order for me to get to work and also to Dr.'s appointments and physical therapy.

I have gone through the proper channels to seek a Zoning VARIANCE that would allow me to build a carport on the side of my house to keep the snow and ice off my car. This would allow me to continue to live a more independent and normal life. While these reasons for this request may not have been adequately addressed in the limited space on the filing papers, they were clearly emphasized during the hearing. (I thought that was the reason for the hearing.)

The letter explaining why this request was denied (copy enclosed) did not mention why I need access to my car. This leads me to believe that this most relevant information was not considered. (I am also enclosing copies of the documents most relevant to this case (Case No. 92-91A, as submitted). The commissioner (Lawrence Schmidt) states that he finds the request "a matter of preference" rather than necessity. Therefore, if the commissioner HAS considered the above given reasons for the request (which is not mentioned anywhere in his report) it would appear as though he considers employment, Dr.'s appointments, physical therapy and independence for the handicapped to be a "matter of preference".

Another point that leads me to believe that this request was not given proper consideration is the statement in Mr. Brunt's opposition (and which did appear in the report): "there is plenty of on street parking." I cannot begin to imagine how parking on the street will keep the snow and ice off my car.

Again, the commissioner states in his decision that I am unable to back from the driveway. This is a misleading statement. The facts, as submitted (and emphasized at the hearing) are that I am unable to back THE 65 FEET that would be required were a carport to be built in the backyard (as allowed by zoning regulations) rather than in the side yard as requested.

If one looks at the photographs submitted with the original petition, one will see that the proposed structure in the requested location would hardly be seen by anyone, especially Mr. Brunt.

Page 2

Because I have been told by the zoning office that no permit is necessary to build a carport in the backyard in this area (and I was applying for a VARIANCE), I do not feel that the statement that "the proposal is not in harmony with the spirit and intent of the regulations" is relevant to this case.

I realize that I have the right to appeal this decision. However, I am writing to you because I do not feel that I should incur additional cost in the way of time and expense in a case that has already been handled in a negligent manner. Points previously submitted were not considered or were dismissed out of context. I feel that the decision failed to make a basically minor accommodation to assist an individual with a handicap. In this day and age, such a decision should be unthinkable.

I look forward to hearing from you concerning this matter in the very near future. If you would like to discuss this matter with me at greater length, I can be reached at 781-7497.

Sincerely,

Alberta Didier

ENC.

cc: Roger Hayden, Baltimore County Executive
Governor's Office: Individuals with Disabilities

JAMES DUNLAY, M.D.
Family Practice
1717 GWYNNE OAK AVENUE
BALTIMORE, MARYLAND 21207
281-3009

October 4, 1991

To Whom It May Concern:

Mrs. Alberta Didier is a patient under my care for fibrositis. This has resulted in significant neck and arm pain, and has required extensive physical therapy as well as treatment with medication. Mrs. Didier has asked me to comment regarding her need for a carport.

I think that the patient does need a carport because of her medical condition. Scraping ice and snow off of her car would worsen her arm and neck pain. She has also told me that one alternative was to put her carport approximately 65 feet behind her home; I do not feel that this would be a good solution because it would require her to keep her head turned for an extensive period of time while backing out of her driveway. Excessive rotation of the head can also worsen her condition.

I hope that this information is of some help to you and to Mrs. Didier.

James Dunlay, M.D.

JD/kx
Kx000000.983

JAMES DUNLAY, M.D.
Family Practice
1717 GWYNNE OAK AVENUE
BALTIMORE, MARYLAND 21207
281-3009

To Whom it May Concern:

Alberta Didier is under my care for extensive pain of the cervical spine and fibrositis. Excessive rotation of the head can also worsen her condition.

Sincerely,

James Dunlay, M.D.

99

Marriott
Suites

Item # 97
Case # 92-91A

RECEIVED
SEP 5 1991

Attached:
Three (3) original affidavits with notary section complete, to take place of first affidavits submitted but with incomplete notary section.

Please enter in file.

John A. Didier

REQUEST FOR HEARING

TO THE ZONING COMMISSIONER FOR BALTIMORE COUNTY:

Re: Case Number: 92-91-A
Petitioner(s): John A. Didier
Location: 108 Osborne Ave.

I/We, Susan M. Brunt
(Type in Name)
(Legal Owners or Residents, of)
108 Osborne Ave.

Catonsville, MD 21228 747-8036

which is located approximately adjacent feet from the property which is the subject of the above petition, do hereby formally request that a public hearing be set in this matter.

Signature: *Susan M. Brunt* Date: 9-23-91
Signature: _____ Date: _____

Item #9 Case # 92-91A

Addendum: Hardship/Practical Difficulty

August 31, 1991

The indicated side yard site for the proposed structure (carport) was selected in lieu of the rear yard because co-owner, Alberta F. Didier, could not back car from rear yard and around corner of house due to health conditions as noted on original petition; Osteoarthritis of spine and Fibrositis. Car is necessary to her for work and for medical appointments.

Secondly, husband travels two to three weeks per month and is not home to assist. Finally, existing garage (circa 1912) is far too small for her vehicle.

John A. Didier (owner)
John A. Didier 8/31/91
Alberta F. Didier (co-owner)
Alberta F. Didier 8/31/91

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
RON BRUNT	106 OSBORNE AVE
	CATONSVILLE 21225

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
John & Alanka Didica	11305 FORTUNE - 114
John & Alanka Didica	108 Osborne Ave
John & Alanka Didica	Catonsville, 21225

CASE NUMBER 92-91-A

PETITIONER'S EXHIBIT # 4



10. SINGLE CAR/UTILITY PORTS. Six 8-ft. high x 24-in. sq. aluminum posts. Natural finish. Has 3-in. white side trim panels. Natural roof. Posts attach to galvanized steel beams. White finish has baked-on enamel roof panels. Can. use panels, galvanized posts. Unfinished. Check local building codes. See shop notes above.

Capacity	W.D.	W.D.	W.D.	Price
Pk.	10' x 12'	10' x 12'	10' x 12'	
40 ft.	10' x 12' 6" Y 6200N	10' x 12' 6" Y 6200N	10' x 12' 6" Y 6200N	\$811.00
20 ft.	10' x 12' 6" Y 6200N	10' x 12' 6" Y 6200N	10' x 12' 6" Y 6200N	\$550.00
10 ft.	10' x 12' 6" Y 6200N	10' x 12' 6" Y 6200N	10' x 12' 6" Y 6200N	\$290.00
5 ft.	10' x 12' 6" Y 6200N	10' x 12' 6" Y 6200N	10' x 12' 6" Y 6200N	\$145.00

Aluminum carports

92-91-A

97

SW39

108

106

110

108

106

108-Rear

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 108 Osborne Avenue

Subdivision name: Scotz But

plat book # 108 lot # 7 section # Libra 0263

OWNER: John & Alanka Didica

North
date: 6-10-91
prepared by: JAD

Scale of Drawing: 1" = 50'

92-91-A

Edmondson Avenue

Summit Ave

Osborne Ave

Frederick Rd

Subject Property

Vicinity Map
scale: 1"=1000

LOCATION INFORMATION

Councilmanic District: 1st, 10th Prec.

Election District: 1st

1"=200' scale map: SW-39

Zoning: DR. 5.5

Lot size: 0.18 acreage 8014.8 square feet

SEWER: ☒ Public ☐ Private

WATER: ☒ Public ☐ Private

Chesapeake Bay Critical Area: ☐ Yes ☒ No

Prior Zoning Hearings: None

Zoning Office USE ONLY!

reviewed by: CM ITEM #: 1001 CASE#: 1001

ZONING AP

SCALE 1" = 200' ±

DATE OF PHOTOGRAPHY JANUARY 1986

LOCATION CATONSVILLE

SHEET SW 3-G